

Staff Summary Report



Council Meeting Date: 06/28/2012

Agenda Item Number: 5A8

SUBJECT: Hold a public hearing for an appeal of a previously approved Use Permit and Development Plan Review for ASH PROPERTY RESURRECTION located at 959 South Ash Avenue.

DOCUMENT NAME: 20120628cdkko01 PLANNED DEVELOPMENT (0406)

COMMENTS: Hold a public hearing for appeal of the May 22, 2012 Development Review Commission decision. The request seeks overturn of an approval of a Use Permit and Development Plan Review for ASH PROPERTY RESURRECTION (PL110362) (Irene Menting, Ash Property Resurrection LLC, property owner; James Hann, James Hann Design A.I.A., applicant). The subject under appeal is a residential community of seven units in four buildings including an existing one-story freestanding unit (1,288 sf.), two proposed two-story freestanding units (1,346 sf. and 2,368 sf.) and a proposed two-story building with four units (10,334 sf.), all on +/-0.46 net acres, located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District. The request includes the following:
UPA12010 – appeal of a Use Permit to allow tandem parking.
DPA12005– appeal of a Development Plan Review including site plan, building elevations, and landscape plan.

PREPARED BY: Kevin O'Melia, Senior Planner (480-350-8432)

REVIEWED BY: Lisa Collins, Interim Community Development Director (480-350-8989)

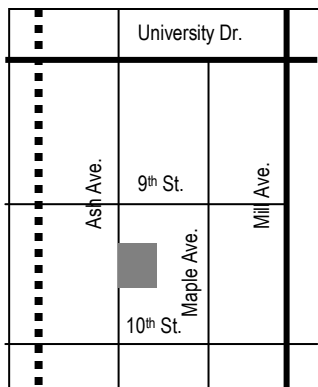
LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

DEPARTMENT REVIEW BY: Lisa Collins, Interim Community Development Director (480-350-8989)

FISCAL NOTE: There is no fiscal impact on city funds.

RECOMMENDATION: Staff has no recommendation.

ADDITIONAL INFO:



Gross/Net site area	+/-0.46 acres
Quantity of Dwellings	Seven (including one existing dwelling)
Density	15.3 du/ac (20.0 du/ac allowed)
Lot Area per Dwelling	2,856 sf. (2,180 sf. min. allowed)
Building Lot Coverage	48.92 % including porches (50.0 % max. allowed)
Total Building Area	15,336 sf. (including main & 2nd floors of the four buildings)
Building B-E Height	30.0 ft. (30.0 max. allowed as measured from t.o.c. on Ash)
Exist'g Bld'g Setbacks	15.0 ft. front-building G; 6.5 ft. front-porch G; 15.0 ft. side-building G (front yard setbacks for G are legal non-conforming)
Exist'g Park'g Setback	15.0 ft. (align with legal non-conform. front-building G setback)
New Building Setbacks	20.0 ft. front-buildings A & F (20.0 ft. min. allowed); 15.0 ft. front porches A & F (15.0 ft. min. allowed); 10.0 ft. side-buildings A & B-E, (10.0 ft. min. allowed) and 15.0 ft. rear-buildings B-E measured from center of alley (15.0 min. allowed)
New Park'g Setback	20.0 ft. front (20 ft. min. allowed)
Landscape Coverage	28.50 % (25.0 % min. allowed)
Vehicle Parking	20 spaces (18 min. required; tandem parking spaces are subject to Use Permit request).
Bicycle Parking	7 spaces (6 min. required)

See Summary on pages 3-4. The appellants request that the City Council overturn the approval of the following for Ash Property Resurrection: a Use Permit for tandem parking and a Development Plan Review for building, site and landscape design.

- PAGES:
- 1-2. List of Attachments
 - 3-4. Summary
 - 4-5. Public Input
 - 6-8. Project Analysis (Use Permit & Development Plan Review requests presented on 5/22/2012)
 - 8-9. Conclusion
 - 10-13. Conditions of Approval (as approved by Development Review Commission on 5/22/2012, including the addition of condition # 42)
 - 14-16. Code-Ordinance Requirements (applicable items presented on 5/22/2012)
 - 17-18. History & Facts
 19. Zoning & Development Code Reference

ATTACHMENTS:
MAP & PHOTOS

1. Location Map
2. Aerial Photo
- 3-6. Site Photos

6/01/2012 LETTER OF APPEAL

- 7-8. Letter: "Appeal of case #PL110362 to Tempe City Council" June 01, 2012

5/22/2012 DESIGN PRESENTATION (approved by D.R.C. with added condition # 42)

9. Presentation Perspective: Seven Unit Project.
- 10-11. Letter of Explanation
12. Site Plan
13. Project Data
- 14-15. 1st & 2nd Floor Plans
- 16-17. Presentation Building Elevations
- 18-21. Building Elevations, Unit A
- 22-25. Building Elevations, Unit F
- 26-29. Building Elevations, Units B-E
30. Roof Plan
31. Site Sections
32. Landscape Plan
33. Landscape Materials Palette
34. Presentation Landscape Plan

3/27/2012 DESIGN PRESENTATION (continued by D.R.C., included here for reference)

35. Presentation Perspective: Eight Unit Project. (frontage & courtyard trees removed for clarity)
- 36-39. Letter of Explanation
40. Site Plan
41. Project Data
- 42-44. 1st, 2nd & 3rd Floor Plans
45. Roof Plan
- 46-47. Color Building Elevations
- 48-51. Building Elevations, Unit A
- 52-55. Building Elevations, Units B-G including revised west elevation
56. Building – Site Sections
57. Landscape Plan
58. Landscape Materials Palette

PUBLIC INPUT

- 59. Neighborhood Meeting Summary
- 60. Citizen Letter: "Vigorously Oppose" 3/01/2012
- 61. Citizen Letter: Support 3/15/2012
- 62. Citizen Letter: Oppose 3/15/2012
- 63-69. Citizen Letter: Oppose 3/23/2012
- 70. Citizen Letter: "We are in Support" 3/25/2012
- 71. M.A.N.A. Letter: "Opposes the approval of Use Permits" undated (rec'd. C.O.T. 3/26/2012)
- 72-79. Sienna Court Lofts H.O.A. Letter & Attachments: "Opposition to Exterior Elevations & Site Plan" 3/27/2012
- 80. Citizen Letter: Oppose Based on "Three Issues" undated (rec'd. C.O.T. 4/09/2012)
- 81. Citizen Letter: "Observations" 4/20/2012
- 82. Citizen Letter: "Not Opposed to Additional Development" 4/23/2012
- 83. Citizen Letter: Support 5/08/2012
- 84-85. M.A.N.A. Letter: "opposed...issues remain that need to be addressed" 5/21/2012
- 86. Citizen Letter: "I do support" 5/22/2012
- 87- 91. Sienna Court Lofts H.O.A. Letter & Attachments "concerns about the total quality" 5/22/2012
- 92. Tempe First U.M.C. Letter: Support 5/22/2012
- 93-94. Twenty-three (23) Signature Citizen Petition in Support of Ash Property Resurrection, (rec'd. C.O.T. 5/22/2012)
- 95-109. Fifteen (15) Citizen Form Letters in Support, dates vary (rec'd. C.O.T. 5/22/2012)

SUPPORT DOCUMENTS

- 110. Maple Ash Neighborhood Checklist
- 111-122. Minutes of 3/27/2012 D.R.C. hearing
- 123-128. Draft minutes of 5/22/2012 D.R.C. hearing (5/22 draft minutes not yet reviewed by D.R.C.)

SUMMARY:

The appellants request the City Council remove the approval by the Development Review Commission of a Use Permit for tandem parking and a Development Plan Review for building, site and landscape design. The subject of the appeal is an in-fill development of seven residential units entitled Ash Property Resurrection. One of the units is an existing freestanding one story residence facing Ash Avenue (Unit G). This residence was constructed in 1929 and recently has been renovated. The appellants are not opposed to the existing renovated residence by itself but are opposed to the entire seven unit community including the addition of six units. The proposed six units include two freestanding two story proposed residences facing Ash, one of three bedrooms (Unit A) and one of two bedrooms (Unit F), and a single two story proposed building adjacent to the alley that contains four three bedroom units (Units B-E).

The applicant's process so far has included three Preliminary Site Plan Review sessions, one informal neighborhood meeting prior to project submittal, one required neighborhood meeting on 2/08/2012 after project submittal and one public hearing with discussion with the Development Review Commission on 3/27/2012. This public hearing resulted in the Commission's vote (6-1) of continuance for the project; the applicant was directed by the Commission to revise the design based on the discussion and come back with a new presentation.

The applicant asked for a continuance on 4/24/2012 without discussion and then returned to the Commission on 5/22/2012 with a revised design. Discussion of this design including additional citizen input was completed in a second public hearing on 5/22/2012. The public hearing on 5/22/2012 resulted in the Commission's vote (5-2) for approval of the Use Permit request for tandem parking and by the same vote for approval of the Development Plan Review for building, site and landscape design.

A subdivision plat for this site has been prepared as part of this development and is separately agenzized for review by City Council. On 6/21/2012 the applicant has scheduled an additional neighborhood meeting specifically for review of the subdivision plat.

The letter of appeal as well as written comments from interested citizens regarding the previous and revised project design concepts have been included in the attachments of this report. The design attachments from both the 3/27/2012 and 5/22/2012 presentations to the Commission have been included. The 3/27/2012 Commission hearing minutes and (draft) 5/22/2012 Commission hearing minutes have also been included.

A brief comparison of the project presented to the Commission on 3/27/2012, the project presented on 5/22/2012, and the development standards for the underlying zoning district is as follows:

Quantity of Dwellings	Density	Lot sf. / unit	Lot cover	Ldscp. cover	Ht. / # stories	Front setback.	Side setback.	Rear Setback.	Vehicle park'g.
3/27/12--Eight units (five 3 bdrm., one-2 bdrm. & two-1 bdrm.) CONTINUED BY DRC	17.4 du/ac	2,499 sf	44.16 %	39.26 %	* 33.0 ft / 3 story	**** 21 ft B / 16 ft P	**** 10 ft B	** 20.5 ft B	19
5/22/12--Seven units (five 3 bdrm. & two 2-bdrm.) APPROVED BY DRC	15.3 du/ac	2,856 sf	48.92 %	28.50 %	30.0 ft / 2 story	**** 20 ft B./ 15 ft P	**** 10 ft B	** 15 ft B	20
Development Standard R-3 District	20.0 du/ac Max.	2,180 sf Min.	50.00 % Max.	25.00 % Min.	30.0 ft / no std. Max.	**** 20 ft B / 15 ft P Min.	**** 10 ft B / 5 ft P Min.	** 15 ft B Min.	***

*Use Permit Standard request for 10 % maximum building height increase was withdrawn by the Applicant after the 3/27/12 hearing.

**Rear yard setback is measured from centerline of public alley. Source ZDC Table 202(B).

***On-site parking for multi-family residential development: 2.7 spaces per three bedroom unit, 2.2 spaces for two bedroom unit and 1.7 spaces per one bedroom unit (ratios include unit resident plus unit guest parking) Source: ZDC Table 4-603(E).

****Setback abbreviation: B = building setback and P = porch/open structure setback

The subject site is within the Maple-Ash neighborhood and comprises three contiguous mid-block parcels plus one 5'-0" wide strip of land that is tied to the southern parcel. The subject site is located on the east of Ash Avenue between 9th and 10th Streets. The surrounding Maple-Ash neighborhood is defined in the General Plan Projected Density Map as a Cultural Resource Area (CRA). The underlying site zoning on this site is within the R-3, Multi-Family Residential Limited District. This zoning district extends to the surrounding properties bounded by Ash Avenue on the west, the mid-block 8th-9th alley to the north, the mid-block Maple-Mill alley to the east and 10th street to the south. The CRA designation preserves the maximum density allowed by the underlying zoning district at the time of enactment of the CRA, which in this case is up to 20 residential units per acre.

PUBLIC INPUT

Neighborhood Meeting

- A neighborhood meeting was required for the processing of these requests in accordance with the Maple Ash Neighborhood checklist. A pre-submittal, unofficial neighborhood meeting was held at 1206 South Ash Avenue in December, 2011. An official neighborhood meeting was advertised in accordance with the Zoning and Development Code and was held on 2/08/2012 from 6:30 pm to 8:00 pm in the Tempe Woman's Club at 1290 South Mill Avenue. This neighborhood meeting attracted eight interested persons as well as two members of Community Development Planning staff. See attached summary of meeting provided by the applicant. The meeting included the following:
 - An introductory presentation by the Owner, including an account of project expansion from a single residence renovation at 959 South Ash to a multi-family project after the Osborn family sold 907 South Ash including the lot between 907 and 959 South Ash to the owner.
 - A design presentation of the eight unit courtyard residential concept by the Architect. The project presented included two freestanding units facing Ash and six units in a long building in the rear of the site. Units are clustered around a courtyard.
 - During the Question and Answer session a description of materials and construction was made by the General Contractor, including an account of the renovation of the house at 959 South Ash and an account of the poor condition of the 907 South Ash buildings and landscape which resulted in removal of these buildings and landscape.
 - An informal Question and Answer session regarding the eight unit courtyard concept was conducted with the audience. Information from this session includes the following: The eight dwellings will be rentals except Unit A may be owner occupied. Guest parking is designated and decentralized on site per unit. On-street parking may be requested but parking required by the Zoning and Development Code will be located on-site. The alley will be paved from northeast site corner to 10th street. Storm water retention will be located on-site, principally in the central courtyard. Landscape design will consider Ash trees in list of plants, at request of audience. Landscape will utilize flood irrigation to facilitate tree growth. Tentative construction schedule is thirteen months. Refuse pickup is in alley. Tandem parking configuration is designed to minimize vehicular pavement. Gable roof line proposed between 30'-0" and 33'-0" height is a small portion of overall building. Concern voiced about a large project of three stories. Building colors are selected from the American Arts and Crafts Movement, a Post-Victorian architectural style that this development emulates. Project will include north and south wood fence of maximum 6'-0" height. Project will limit intensity of security lighting. Creation of a Security Plan with the Police Department will focus on Crime Free Multi Housing Program.

Citizen Inputs up to and including the 3/27/2012 D.R.C. hearing

Staff received numerous communications regarding the project between the 2/08/2012 neighborhood meeting and the Development Review Commission Hearing on 3/27/2012. Concerns related to building form and parking, as summarized below, were adopted by Commissioners at the 3/27/2012 hearing. These concerns led to the vote (6-1) to continue the project and request a revised design.

A) Building Form

- 1) Proposed maximum height increase of the rear building (from 30'-0" to 33'-0") is inappropriate.
- 2) The rear building is too large as well as too tall.
- 3) A building of three residential levels in a neighborhood of one and two level buildings is inappropriate.

B) Parking

- 1) There is too much reliance on tandem parking.
- 2) T-bone tandem parking where one space blocks two others is unworkable and unacceptable.
- 3) Parking as configured will result in excessive reliance on off-site parking.

These points do not cover the complete array of comments that have been made in favor of and against the project. Written comments including those received before, during and after the 3/27/2012 Development Review Commission hearing are included as attachments to this report.

After the 3/27/2012 hearing the applicant revised the design to address these concerns. As part of this revision, the applicant withdrew the Use Permit Standard request for a ten percent (10%) maximum height increase from 30'-0" to 33'-0". The applicant removed the third story, modified the form of the design and modified the site layout so there is reduced reliance on tandem parking. With the addition of another building on site the building lot coverage percentage was increased and the landscape lot coverage was decreased. The applicant removed one unit from the concept (was eight, is now seven) so project density is reduced, although the overall bedroom quantity (nineteen) is the same. The project as approved by the Development Review Commission on 5/22/2012 is a community of seven residences, including a line of three residences facing Ash Avenue that evokes the three Gage Addition Subdivision lots that make up the site.

Staff received additional written communications regarding the project between the 3/27/2012 and 5/22/2012 hearings. These communications were included as attachments to the 5/22/2012 staff report and are re-presented in the attachments to this report. A summary of citizen comments made at the 5/22/2012 hearing are included in the written communications and additionally, comments in opposition to the design concept have been summarized in the appellant's letter.

Citizen Inputs: 5/22/2012 D.R.C. hearing.

- Owner's representative submitted petition of support with 23 signatures. 15 form letters of support were also submitted.
- Citizen letter of support from neighboring property owner to north submitted to the Commissioners and read into the record.
- Citizen speaker representing United Methodist Church supports: Letter submitted.
- Citizen speaker supports: previously had issues with project but these issues are now resolved.
- Citizen speaker supports: addition of luxury apartments upgrades the whole neighborhood.
- Citizen speaker opposed: Tandem parking configuration is better than previously presented. Addition of house in front and subtraction of two apartments in rear is good. However, the massiveness of the building in rear is bad.
- Citizen speaker opposed: Neighborhood is suffering from higher residential density. In particular, parking is already a major problem in area. Proposed project will increase density and traffic in neighborhood. A safety hazard is created.
- Citizen speaker representing M.A.N.A. opposed: Project is better than that previously presented but is not suitable for neighborhood. Consider the following: Break up rear building and provide front to rear view corridors through site along the length of adjoining lot lines. Maintain the three lots of the development—do not combine into one lot. Make center front building on Ash shorter—decrease height from 26 ft. to 16 ft. Do not exceed 40 percent lot coverage. Citizen was questioned by Commission and indicated a six unit project that is lower in front (facing Ash) and higher in back with supporting parking could be made suitable for the neighborhood. Letter submitted.
- Citizen speaker opposed: This is a "McFrat" house. Renters are not good neighbors. Project is too massive. Project doesn't fit into old historic neighborhood. Project will devalue neighboring properties.
- Citizen speaker opposed: make sure project is a legal fit to the zoning ordinance but is also a reasonable fit. There are too many bedrooms in the project. Renters do require a greater parking quantity than owners. Where are the storage units? Will garages become storage areas instead of parking spaces? Consider house in front and house in back on each of the three adjacent lots of the project.
- Citizen speaker supports: Ash Court (across street from project) is an example of successful infill. 1120 South Ash by contrast is a badly designed development. The subject project fits the R-3 zoning district. This is also a good looking project. Lot combination is not an issue to be handled by the Commission.
- Citizen speaker representing Sienna Court Lofts H.O.A. opposed: Note lack of total quality and lack of design coordination between preliminary grading-drainage plan and site plan, where parking spaces in retention basins will be flooded during storms. Synthesize retention and site layout and submit revised design prior to vote by Commission. Letter submitted.
- After discussion of the project, the Commission by a single vote of five in favor and two opposed approved the Use Permit for tandem parking and the development plan review for building, site and landscape design. The Commission included one additional condition of approval. Condition 42—The rule of maximum three persons per dwelling unit not related to third degree of consanguinity, as defined in the ZDC Section 7-107(1), shall also apply to the dwelling units of this project. This rule applies to single family residential in accordance with the Zoning and Development Code and is extended by condition of approval to the dwellings of this multi-family development.

PROJECT ANALYSIS

USE PERMIT

The project site design requires a Use Permit to allow tandem parking. Following the Zoning and Development Code 6-308(E), the Use Permit was granted by the Development Review Commission upon finding that the request is not detrimental to persons residing in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general. The Use Permit must conform to the requirements of the Zoning and Development Code and any conditions established with the granting of this request.

The tandem parking request acknowledges that three of the twenty parking spaces provided must exit the site through another parking space. This is a significant reduction in scope when compared to the site plan presented at the 3/27/2012 Development Review Commission hearing, where the request included eleven tandem of a total of nineteen parking spaces. In the current proposal, two additional parking spaces are proposed above the minimum required. Additionally, the site is configured so parking from one unit does not interfere with parking from another, as illustrated in the table below.

Reference: ZDC Tab 4-603(E)	Total	A 3 bdrm	B 3 bdrm	C 3 bdrm	D 3 bdrm	E 3bdrm	F 2 bdrm	G 1 bdrm & den	spare
Required parking: resident + guest	17.9 spaces	2.7	2.7	2.7	2.7	2.7	2.2	2.2	·
Parking configuration by Unit Resident + guest	20.0 spaces	3.0	3.0	3.0	3.0	3.0	2.0	2.0	1.0

On-street parking in the Maple-Ash neighborhood (24 hour/day, seven day/week) is allowed by permit only. Parking permits are issued through the residential parking program. The program is administered by Transportation Division of Public Works. Each household within the residential permit parking area is entitled to one free permit for their vehicle per year. Additional permits are available for a fee. City of Tempe website address for residential parking permits is <http://www.tempe.gov/index.aspx?page+455>.

Section 6-308(E) Approval criteria for Use Permit:

- Any significant increase in vehicular or pedestrian traffic.* Tandem parking does potentially increase amount of traffic around site where vehicles in outer parking spaces move to allow access to inner parking spaces. In the case of this project, tandem parking is accomplished by occupants of a single residence. Vehicles from one residence do not impact vehicles from another. In each tandem parking configuration on site the inner parking space requires movement of only one outer parking space.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The use of tandem parking increases the amount of vehicle movement on and around the site but decreases the amount of security light and heat retention due to the reduction of pavement for on-site drive aisles.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans or General Plan.* The use permit request for tandem parking reduces vehicular pavement on site on favor of landscape.
- Compatibility with existing surrounding structures and uses.* The Use Permit request fits the normative parking pattern found on other sites in the Maple-Ash neighborhood.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The Use Permit request for tandem parking does pertain to behavior. This is a residential development which will be governed by a code of tenant behavior and supported by a Police Security Plan. The code of tenant behavior will include rules for parking that preclude use of any part of the alley or landscape areas as parking spaces.

DEVELOPMENT PLAN REVIEW

Site Plan

The site as presented at the 3/27/2012 Development Review Commission hearing was configured to allow a cluster of three buildings in a horseshoe configuration around a central courtyard that opened toward Ash Avenue. The site as presented at the 5/22/2012 Development Review Commission hearing—resulting in approval of Use Permit and Development Plan Review—was configured to include three freestanding residences in line along Ash Avenue with appropriate spacing as suggested by the Subdivision Plat of the Gage Addition. The 1929 detached abode masonry building is the southernmost of the three residences. Each of these units presents a front porch to Ash Avenue. The four-unit building of two stories is to the rear of the three freestanding residences and provides a dual orientation toward Ash and the alley. As with the front units, the large building volume in the rear is formed into smaller, distinct elements to mitigate the overall building presence on site.

Building Elevations

The freestanding Unit A and F and the four-unit building containing Units B-E are wood frame structures that distinguish interior and exterior space with individualized hip and gable roof forms and volume articulations in the exterior walls including porches and an upper level veranda. The building containing Units B-E in the rear, with form and color, seeks to provide the individual character of residences lined in a row. The surfaces and colors of the buildings seek to evoke the Arts and Crafts Movement of the early twentieth century. The use of cement-based cladding materials for horizontal lap siding, shingle accent siding, vertical siding and trim follows an effort to provide structures that will not readily deteriorate in this climate.

Landscape Plan

Flood irrigation and lawn is re-established in the Ash front yards and on the north and south perimeters to support growth of large trees. Trees are massed to the west of the Ash Avenue sidewalk to provide summer afternoon shade on the public walk and on the residential front porches beyond. Trees are massed on the south of the property in deference to the less intense R-2 zoning district in the portion of the Maple Ash neighborhood south of 10th Street, half a block away. Trees are also positioned throughout the site between the buildings. Trees are not located in quantity between the building and alley due to the presence of the buried flood irrigation main and proposed buried electric, phone and cable lines. Landscape will be supplemented over each double garage door and at each exterior parking space that accesses the alley with a vine trellis that will be used to conceal security lights.

Section 6-306(D) Approval criteria for Development Plan Review

1. *Placement, form and articulation of buildings provide variety in the streetscape*; residential units with front entrance porches and verandas on Ash Avenue provide connectivity to the street.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; Orientation of porches and upper second floor verandas to the west mitigate afternoon solar exposure of the residences that face Ash Avenue. Maturity of trees in time will additionally filter the rays of the afternoon sun throughout the site.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; Building materials are selected that in shape and application can be used to replicate an architectural style of a century past but with an enhanced durability that allows ease of maintenance.
4. *Building and landscape elements are appropriately scaled relative to the site and surroundings*; The elements are scaled to break down the large volume of the Building B-E into smaller pieces that relate to the existing Unit G on site as well as the smaller neighborhood residential structures east, north and south of the site. At the same time, Building B-E relates in volume to the adjacent two-story apartment buildings immediately to north and south of the rear of the site. Landscape including canopy trees supported by flood irrigation on the western, southern and northern site edges provides the general unifying element in the Maple-Ash neighborhood.

5. *Large building volumes are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, and featuring an enhanced pedestrian experience at and near street level;* Building A, Building F and Building B-E are highly articulated congregations of volumetric spaces and feature open porches and verandas that will affect the quality of sunlight on the buildings during the change of hours of the day and seasons of the year.
6. *Building facades provide architectural detail and interest overall with visibility at street level;* Special treatment of windows, entries, porches and walkways is made with attention to the relation of buildings to the street. The entrance porches and upper level verandas will interact with the street during daylight hours and when illuminated, at night as well.
7. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation on-site and with surrounding residential uses;* Parking is consigned to the portion of the site adjacent to the alley, the northern edge of the site at Unit A, between Unit A and Unit F, and in the historic driveway alignment on the north of Unit G. The use of tandem parking where one parking space is through one other parking space is confined to parking areas that access Ash Avenue. Tandem parking is not provided off the alley. Tandem parking reduces the amount of drive aisle required through the site. The building entrances via the Ash Avenue sidewalk are not impeded by vehicular circulation.
8. The project appropriately integrates *Crime Prevention through Environmental Design* principles such as territoriality, natural surveillance, access control, activity support, and *maintenance*.
9. *Landscape* accents and provides delineation from *parking, buildings, driveway and pathways*.
10. *Lighting*, by the conditions of this report, will not create negative effects such as glare or excessive, industrial-colored illumination, and will be made compatible with the existing and proposed *buildings on site and adjoining buildings and uses*.

CONCLUSION

Staff makes no recommendation to City Council regarding the appeal. Following are reasons for approval of the project that previously were presented to the Development Review Commission on 5/22/2012. The reasons include those based on the General Guidelines of the Maple-Ash Neighborhood Checklist.

1. The project complies with the allowed land uses of the Zoning and Development Code Part 3 and with the allowed development standards (including those subject to Use Permit) of the Zoning and Development Code Part 4 for an R-3, Multi-Family Residential Limited District.
2. The Arts and Crafts Movement architecture of the development and the distinct expression of each dwelling unit in the development will augment the eclectic architectural character of the Maple-Ash neighborhood.
3. Building placement on site emulates the surrounding streetscape. Placement and articulated form of Unit A, Unit F and the existing Unit G emulates the character and rhythm of existing residences along Ash Avenue. The placement of Unit A allows room for the existing off-site mature oak adjacent to the northwest corner of the property. The lateral length and form of Building B-E is offset by the numerous articulations and color variations of this form.
4. The development encourages visual and spatial interaction with pedestrian traffic on Ash Avenue. The open front porches of Unit A, Unit F and Unit G engage Ash Avenue. The Ash sidewalk width is preserved and the pre-World War II concrete curb cut and apron for the Unit G driveway is retained. The landscaped median between the sidewalk and curb will be replanted.
5. Pedestrian linkages between Unit A, Unit F, Unit G and each of the Units of Building B-E are established between the building entrances and Ash Avenue.
6. Pedestrian walkways from Ash Avenue onto the site enhance the neighborhood context. There currently is no garden wall proposed that sequesters the project from Ash Avenue.

7. The development utilizes the alley for the majority of its vehicular traffic. The use of tandem parking on Ash Avenue coupled with alley access keeps the amount of vehicular access paving on site to a minimum. The alley between the northeast site corner and 10th Street will be repaved.
8. The development utilizes a palette of plant materials found elsewhere in the neighborhood. The return of flood irrigation to the site will strengthen the stock of proposed trees and lawn and re-connect the site with the neighborhood via landscape. A continuous perimeter tree screen is established on the south of the property. A secondary palette of low-water using plant material is proposed but this is subordinate in scale to the main palette of trees and lawn found throughout the Maple-Ash neighborhood.
9. The project will meet the development standards required under the Zoning and Development Code, including that for minimum level of security illumination. Maximum illumination levels are established by conditions of approval to avoid over-illumination of site including retention, parking and driveway areas that require dusk to dawn illumination. The extent of site driveway area and illumination is reduced by use of tandem parking and alley access. Parking illumination and garage door entrances adjacent to alley will be shielded and localized by a vine trellis over each garage entrance. Perimeter tree screens are established along the south (side) and west (front) yards. Light fixtures will require use of house-side shields to avoid light spill onto adjacent properties.
10. The proposed project meets the approval criteria outlined by the Zoning and Development Code for Use Permit and Development Plan Review.

ZUP12005 & DPR12002 CONDITIONS OF APPROVAL

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

ZUP12005 & DPR12002

JOINT CONDITION OF APPROVAL

1. Length of approval:
 - a. The Use Permit and Development Plan Review approval are valid until May 22, 2013, which is one year from date of approval. If documents are not submitted for Building Safety Division plan check review by May 22, 2013 the Use Permit and Development Plan Review approval will expire.
 - b. If documents are submitted to the Building Safety Division for plan review prior to or on May 22, 2013, the Use Permit and Development Plan Review approval will continue to be valid during the building plan review period (period includes time extension, if required). If the plan review period is allowed to expire without issuance of a building permit, the Use Permit and Development Plan Review approval will expire.
 - c. After the issuance of a building permit, the Use Permit and Development Plan Review will remain in effect as long as the building permit itself is valid. If the building permit is allowed to expire, the Use Permit and Development Plan Review approval will expire.

ZUP12005

CONDITIONS OF APPROVAL

2. The Use Permit for tandem parking is specific to the proposed site plan and is designed to hold vehicular site access paving to a minimum. The Use Permit provides for tandem parking with direct exit to Ash Avenue as follows: two pairs of spaces between Unit A and Unit F and one pair of spaces between Unit F and Unit G.
3. The legal non-conforming status for 15'-0" front building setback for existing Unit G applies also to the parking setback for this unit. Do not allow tandem parking for Unit G to encroach into the 15'-0" front yard parking setback.

DPR12002

CONDITIONS OF APPROVAL

General:

4. Provide a temporary perimeter fence around the construction on this site.
5. If the project does not go forward within the specified time frame, remove the storage container from the vacant portion of site, re-grade the site and top-dress with decomposed granite.
6. Undertake a Security Plan with the Police Department for the seven residences of this development. Follow guidelines indicated in the POLICE/SECURITY Section of Code-Ordinance requirements below. Additionally, the following apply:
 - a. 2nd floor mechanical space and adjacent garage roofs for Units B, C, D and E behind parapet may be accessible to service personnel via exterior portable ladder but not from the interior of the building.
 - b. Unit roofs may be accessible to service personnel via exterior portable ladder but not from the building interior.
 - c. Include parking regulation for all unit occupants that does not allow a parked vehicle to block any part of alley or park in an on-site or adjacent frontage landscape area.
7. Complete process for a one-lot subdivision plat including Engineering Division and Planning Division reviews and one City Council meeting. Establishment of public utility easements for the lot may be done on this plat or by separate recorded instrument. Obtain City Council approval for submitted one-lot subdivision plat and provide final format and recordation of the subdivision plat prior to issuance of building permits.

Site Plan

8. Re-pave the entire 20'-0" alley width from the northeast corner of site to 10th street. Follow guidelines indicated in the ENGINEERING Section of Code-Ordinance requirements below.

9. Connect tandem parking between Unit A and F to Ash Avenue as follows. Construct a 10'-0" wide concrete driveway on Ash Avenue with quarter round curb returns per Standard Detail T-319. Center driveway on the 17'-0" wide tandem parking pavement. Connect the 10'-0" wide concrete driveway to the 17'-0" wide parking pavement with drive aisle that gradually widens across the width of the 20'-0" parking setback. Provide porous pavement in drive and parking. Do not extend porous pavement into Ash Avenue public right of way.
10. Provide porous pavement for drive aisle from alley to Unit A garage and for drive aisle and exterior parking space between Unit A and Unit B.
11. Provide porous pavement for two space parking and entrance apron between Unit C and D garages. Provide planting areas to north and south of parking and plant vines for overhead trellis.
12. Provide porous pavement for one space parking and drive aisle south of Unit E garage.
13. Provide porous pavement for entrance aprons from public alley to the four Unit B-E garages.
14. Provide raised curbs to define paving and landscape edges and preclude parking in landscape areas.
15. Do not place exterior parking spaces as proposed in retention basins.
16. Do not modify natural grade as proposed under canopy of existing mature oak tree near northwest property corner.
17. Position required bicycle parking as indicated on landscape plan.
18. Finish utility equipment boxes in a neutral color, subject to utility provider approval. Do not paint over warning or identifying decals. Place exterior reduced pressure backflow assemblies in pre-manufactured, pre-finished, lockable cages, one assembly per cage. If backflow prevention device is for a 3" or greater water line, delete cage and provide a masonry screen wall.

Building Elevations

19. No part of Building B-E may extend above 30'-0". The increased height exceptions allowed in ZDC Section 4-205(A) including for stair penthouses may not be applied to Building B-E.
20. The materials and colors for Buildings containing Unit A, Unit F and Unit B-E are approved as presented:
 - a. Wall Surface Fiber Cement Sheathing Materials
 - Hardie Plank Lap Siding
 - Hardie Shingle Siding
 - Hardie Panel Board and Batten Vertical Siding
 - Hardie Plank Trim
 - b. Asphalt Roof Shingles
 - Certainteed Autumn Blend
 - c. Paint:
 - Sherwin Williams Chelsea Gray LRV 41
 - Sherwin Williams Copper Red LRV 9
 - Sherwin Williams Roycroft Suede LRV 31
 - Sherwin Williams Powder Blue LRV 33
 - Sherwin Williams Birdseye Maple LRV 43
 - d. Additions or modifications may be submitted for review during building plan check process. Significant alterations to colors or materials, as determined by Planning Division, will require separate Development Review Commission approval.
21. Weather-proof exposed tops of roof rafter tails, top of parapet and top of fence with metal flashing caps. Treat corners of walls clad with fiber cement siding with metal flashing cover or provide fiber cement trim.

22. Replicate dimension of rafter tails, columns and similar members to that found in existing residential building inventory in the Maple-Ash neighborhood.
23. Locate electrical service entrance sections so surface of section cabinet is flush with the exterior of the building wall.
24. Provide a minimum 2'-0" wide cantilevered or bracket supported trellis "eyebrow" at the head of the Unit A, B, C, D and E double garage doors. Provide a minimum 2'-0" wide cantilevered or bracket supported trellis on the side of exterior parking west of Unit B and south of Garage E. Provide a full coverage trellis as indicated above exterior parking located between Garage C and Garage D. Design each trellis to support vines. Utilize trellis and vines in parking shade study required by ZDC Section 4-704(A)(2) where trees cannot be planted at ends of parking. Conceal required security task lighting for exterior parking spaces and garage doors within each trellis structure.
25. Provide internal roof drains for parapet roofs above alley garages. Minimize visible, external features such as overflows, and where provided, design these to enhance the architecture of the building.
26. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the exterior design and indicate these on the building elevations submitted for building plan check review. Exposed conduit, piping, or related materials on the exterior of the building is not permitted.

Lighting

27. Provide the following maximum dusk to dawn light level standards. At residential exterior surface vehicular parking: 2.5 foot-candles. At exterior bicycle parking: 2.0 foot-candles, at drive aisle to Unit A: 2.0 foot-candles, at Unit F and G on-site driveways: 2.0 foot-candles. At surface retention areas: 1.0 foot-candles.
28. Limit security light to high pressure sodium or similar residential grade fixtures that cast a warm white-yellow light. Do not use metal halide or other blue-white light fixtures.
29. Limit freestanding and building mount security light height to 10'-0" above adjacent finish grade. Address sign illumination and upper level veranda lights are an exception from this requirement. Use trellis above double garage doors and exterior parking to shield parking space lights.
30. Switch control all residential entrances including on verandas where these are not required to be illuminated from dusk to dawn.

Landscape

31. Have a registered landscape architect prepare and seal the landscape and irrigation construction documents.
32. A perimeter fence is not required. Fence if proposed at the Unit B dining alley yard and along north and south property lines may be a maximum of 6'-0" height except within the Ash Avenue 20'-0" front-yard setback may only be a maximum of 4'-0" height. Install an opaque fence of painted or pre-finished 8" nominal concrete unit masonry, painted wood frame fence similar to what currently exists for Unit G or provide an open, steel vertical picket fence. If a perimeter fence is placed on the south property line, also extend the fence from the southeast site corner to the southeast corner of Building B-E to limit unauthorized pedestrian walkway between alley and Ash Avenue along the south of the site.
33. Survey existing trees and palms on site and in the Ash Avenue frontage, including particularly the trees along the Ash curb and south of Unit G. Identify by species on the landscape plan. Preserve existing trees in place where possible and incorporate existing trees into the proposed landscape plan. Where preservation of a tree or palm is not possible, indicate reason why demolition is warranted in each case.
34. Incorporate a hybrid *Cynodon dactylon* (Bermuda) lawn in landscape materials palette. Include a temporary spray irrigation system to establish lawn at portions of turf that will be flood irrigated at project conclusion.

35. Provide grassy basins and trees supported by flood irrigation in the landscaped front yards facing Ash Avenue and in the landscaped north and south side yards. Provide landscape in interior of site supported by flood irrigation or optionally supported by an automatic irrigation system. Confine major retention storage capacity to the interior of the site. Incorporate maintenance access to storage structure in overall site design. Flood irrigated basins may provide some retention capacity, but not at the expense of compromising the purpose of flood irrigation to support deep rooted, large trees.
36. Provide planting areas beside each garage entrance apron and drive aisle at the alley to the east of Building B-E. Develop the landscape plan to include plantings on either side of drive entrances adjacent to alley.
37. Locate a Texas Mountain Laurel in a planting island east of the Unit A garage driveway. Provide an 8'-0" long planting island that extends north from the Unit A garage to divide the Unit A parking courtyard from the exterior parking space west of Unit B.
38. Utilize existing flood irrigation basin in right of way frontage between sidewalk and curb from north of Unit G driveway to northwest property corner and re-establish lawn in this part of frontage, subject to Arizona Department of Water Resources low-water use waiver in public right of way of historic neighborhood. Present waiver with construction drawings. Existing low water use landscape in front of Unit G may remain.
39. Automatic irrigation notes (for portions of site that are not flood irrigated):
 - a. If an existing water meter is reused and dedicated for landscape irrigation, notify Water Utilities Division of the dedication.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Provide schedule 40 PVC mainline. Provide minimum class 200 PVC feeder line except provide minimum class 315 feeder for 1/2" diameter size. Provide details of water distribution system.
 - c. Locate automatic valve controller in vandal resistant housing or inside a building. Hardwire power source to controller—a receptacle connection is not allowed. Detail controller installation so power and valve wire conduits are concealed in an exterior wall.
 - d. Provide temporary irrigation to existing site and frontage landscape as required prior to conclusion of construction.
40. Remove soil compaction in planting areas on site and public right of way and remove construction debris from planting areas prior to landscape installation.

Signage

41. Provide address signs for buildings based on quantity and locations indicated on the elevations of the Preliminary Site Plan Review mark-up, dated January 18, 2012, and as follows.
 - a. Provide one address sign on Unit F facing Ash Avenue.
 - b. Provide street number only, not the street name.
 - c. Compose of 6" high, individual mount, metal reverse pan channel characters.
 - d. Provide self-illuminated (halo-illumination type) sign.
 - e. Coordinate location address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - f. Do not affix number or letter to elevation that might be mistaken for the address.

Condition Added by Commission at 5/22/2012 D.R.C. hearing

42. The rule of maximum three persons per dwelling unit not related to third degree of consanguinity, as defined in the ZDC Section 7-107(1), shall also apply to the dwelling units of this project.

CODE - ORDINANCE REQUIREMENTS:

BULLET ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. BULLET ITEMS ARE INCLUDED TO ALERT THE DEVELOPMENT TEAM, ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the Zoning and Development Code (ZDC) are not exhaustively listed but apply to this application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Reviews dated October 19, 2011, November 16, 2011 and January 18, 2012. If questions arise related to specific comments, they should be directed to the appropriate department, and necessary changes coordinated with concerned parties prior to application for building permit. Construction Documents submitted to Building Safety Department will also be reviewed by planning staff to ensure compliance to this Use Permit and Development Plan Review.
- **HISTORIC PRESERVATION:** State and federal laws apply to discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of items.
- **STANDARD DETAILS:** Access standard engineering details at this link: www.tempe.gov/index.aspx?page=2147 or purchase book from the Public Works Engineering Division.
- **PLANNING:**
 - Indicate maximum height of each building with reference to top of curb on Ash Avenue at a point adjacent to the center of the front property line per ZDC Figure 7-103(B).
 - Provide complete, updated project data, including the following:
 - Recalculate building/lot coverage. Include footprints of building including garages and covered porches in area.
 - Recalculate landscape/lot coverage. Include on-site planting area, uncovered walkways and site walls in area.
 - Maintain minimum 10'-0" separation between first floor sleeping area and pedestrian pathway per ZDC Section 4-503(E)(2). The first floor bedroom of Unit A may overlook the private parking court of Unit A per the exception for entrance courtyard allowed in ZDC Section 4-503 (E)(2). The Unit B Study Sitting space may not be used as a bedroom because the adjacent paved area is for use by another Unit and the exception to 4-503(E)(2) due to a private entrance cannot be applied.
 - Fully conceal roof mount mechanical equipment on four sides with parapets or other building forms per ZDC Section 4-405.
 - Define parking/landscape edge with raised curb per ZDC Section 4-704 (C)(1) and Sections 4-602(B)(5) and (B)(6).
- **BUILDING:**
 - Indicate property lines, the dimensional relation of buildings to property lines and separation of buildings from each other.
 - 13R fire sprinkler system required per Tempe Amendments Sec. 903.2.1. Fire sprinklers may not be required for existing Unit G.
- **ENGINEERING:**
 - Place utilities underground adjacent to this site including existing overhead utility lines on the west side of the alley as well as any existing alley crossings to other properties that are affected by this work.
 - Coordinate construction with existing buried utilities in the area, including the existing flood irrigation main. Protect and maintain the existing flood irrigation main. Repair any damage to existing utilities caused by this work.
 - Coordinate site layout with utility providers and provide adequate access easements. Verify location of easements to ensure no conflict exists between utilities and foundation design.
 - Indicate fire sprinkler connections.
 - Indicate existing and proposed water and sewer utilities.
 - Record with Maricopa County any easements or agreements granted to the City of Tempe prior to issuance of permits.
 - 100 year onsite retention required for this site including one-half width of alley adjacent to the site. A retention basin greater than 12" in depth requires a dual chamber drywell. Indicate spot elevations around site. Use current P value in storm water retention volume calculation. Coordinate design including locations of high water line in relation to building foundations with requirements of the Engineering and Building Safety Divisions.

- Remove existing concrete north driveway that will not be reused. Replace with curb to match. Replace deteriorated curb and pedestrian pavement where occurs in Ash Avenue public right of Way, subject to requirement of Engineering Division inspection as construction progresses.
- Do not extend porous pavement into public right of way.
- Do not extend site planting area east into public alley.
- Pave alley from an east-west alignment beginning at the northeast corner of the property south to 10th Street in accordance with Public Works Transportation Division requirement. Pave full 20'-0" width of public right of way. Provide detail of pavement as part of Engineering plan check submittal. Approval of pavement design subject to compliance with Public Works Engineering Division Design Criteria.
- 959 South Ash Avenue is a processing address and will continue to be used for Building G. Addresses for Building A, Building F and Building containing Units B-E are per Engineering Division criteria. Unit designation within Building B-E is per Building Safety Division criteria.
- WATER:
 - Verify location and maintain in place the existing flood irrigation line on the eastern edge of the site. Indicate line on site, landscape and engineering plans.
 - Cap and remove existing services that are not reused subject to Water Utilities Division criteria.
 - Locate water meters and fire hydrants in recorded, exclusive waterline easements.
 - Install trees a minimum of 20'-0" from public water or sewer line. Use of root barrier or similar means to reduce separation is subject to Water Utilities Division criteria. Where trees are proposed near lines provide root barriers with the following minimum characteristics: minimum 6'-0" parallel from the line, or minimum 6'-0" diameter around the tree, of a continuous material, a minimum of 0.08" thick, and installed 2" above finish grade to a depth of 8'-0" below grade.
 - Consider re-use of an existing water meter as a dedicated landscape water meter for non-flood irrigated portions of site.
- FIRE:
 - Locate Fire Department Connection on main response side of building and within 150'-0" of a fire hydrant.
 - Locate fire hydrants per IFC 2006 Section 508.
 - Maintain Fire Department vehicle access to within 150'-0" of any portion of first floor of the project.
 - Before combustible materials are delivered, satisfy Fire Department that activated hydrants cover all parts of site.
- REFUSE:
 - Contact Sanitation Division to ensure sufficient quantity of refuse containers in alley opposite site, or, discuss and finalize an alternate means of refuse collection.
 - Develop strategy for recycling collection and pick-up from site with Sanitation Division.
- POLICE/SECURITY:
 - Design building entrances to maximize visual surveillance of vicinity. Limit height of walls and landscape materials near entrances. Design columns and corners to limit opportunity for ambush. Maintain minimum distance of 20'-0" between pedestrian path of travel and any hidden area to allow increased reaction time and safety.
 - Follow design guidelines listed under ZDC Appendix A. In particular, reference the Crime Prevention through Environmental Design principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Owner shall meet with Police Department and prepare a security plan for the project. Include the Architect in preliminary discussion with Police Department so the Architect may verify modifications that require building, site or landscape design revisions. Avoid revisions to permitted construction documents--meet with Police Department before building permits are issued. At a minimum, contact Police Department to begin security plan process eight weeks prior to Certificate of Occupancy.
 - In conjunction with the Security Plan, Crime Free Multi-Housing Program for this property is required. Contact Tempe Police Crime Prevention Unit.
- PARKING SPACES:
 - Provide minimum 23'-0" backup from north edge of driveway to Unit 'A' garage door and to exterior parking space between Unit A and Unit B to allow back-up maneuvering per ZDC Table 4-606(A).

- Provide minimum 23'-0" backup from east edge of public alley to exterior parking spaces located off alley to allow back-up maneuvering per ZDC Table 4-606(A).
- Provide minimum 18'-0" clear depth in unit garages for parking spaces per ZDC Section 4-606.
- Verify applicability of development to requirement for accessible vehicle parking in compliance with the Americans with Disabilities Act of 1990 and the Code of Federal Regulations Implementing the Act. Refer to Standard Detail T-360 for parking layout and accessible parking signs where accessible parking is required.
- For information regarding on-street resident parking permit, refer to <http://www.tempe.gov/index.aspx?page+455>.
- Indicate bike parking space locations including hang up locations in garages as well as on-site locations. Provide 2'-0" by 6'-0" individual bicycle parking spaces.
- LANDSCAPE:
 - Coordinate fence foundation and plant installation with location of underground utilities. Identify buried utilities including existing flood irrigation main, sanitary sewer, domestic water, electric, telephone, and cable lines on landscape plan.
 - Indicate sight vision triangles at Ash Avenue driveways on landscape plan. Speed limit for Ash Avenue is 25 MPH. Layout sight vision triangles following the "Corner Sight Distance" Transportation Division leaflet using the speed criteria. Begin sight triangle in driveway at point 10'-0" in back of face of curb for existing driveway and 15'-0" in back of face of curb for new driveway. Do not locate visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
 - Provide street trees at rate of maximum of one per 30'-0" lineal feet of site frontage on Ash per ZDC Sec. 4-703(A). Retain existing trees and include in count.
 - For lawn re-establishment in public right of way, obtain written waiver from State of Arizona Department of Water Resources. If waiver is not granted, provide plants in public right of way in conformance with Arizona Department of Water Resources Low Water Use Plant List for the Phoenix Active Management Area.
 - Do not extend site planting area east into public alley.
- SIGNS: Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Address signs do not require a sign permit.

HISTORY & FACTS:

Gage Addition

March 30, 1909: The Tempe Land and Improvement Company recorded the Subdivision Plat of the Gage Addition along Maple, Ash, Mill, Myrtle, Forest and Willow (now College) Avenues between Eighth (now University) and Tenth Streets. The Subdivision is recorded in Book 3 of Maps, Page 58 of Maricopa County Records.

April 24, 1919: Amended Plat Map of the Gage Addition recorded in Book 8 of Maps, Page 41 of Maricopa County Records. The street configuration evokes the present day streets and malls of Arizona State University.

907 South Ash Avenue

April 1929: Construction of one-story National Folk-style house at 907 South Ash for Archie Osburn. The Osborn property included Lot 4 and Lot 5 of Block 29 of the Gage Addition. Lot 5 was not developed. The house at 907 South Ash and outbuildings near the alley to the east of the house (including separate living quarters) were recently demolished under the direction of the present property owner.

959 South Ash Avenue

July 1929: Construction of a one-story adobe Bungalow-style house at 959 S Ash for Benjamin and Rebecca Scudder. The house at 959 South Ash is in Block 29, Lot 6 of the Gage Addition. The house was used through most of the twentieth century and at present as a rental. The house was recently renovated under the direction of the present property owner.

1938: Concrete sidewalks and curb cuts for driveways were installed in the Gage Addition as part of the Works Progress Administration (WPA) of the Federal Government. The 4'-0" wide sidewalk in front of the subject site does not date from this period but the curb cuts and driveway aprons for the 907 and 959 South Ash properties do. The 907 apron is decomposing and will be removed as part of the proposed development. The 959 apron is in fairly good condition and will be retained for Unit G.

Outline of Zoning Ordinance History with Reference to the Maple-Ash Neighborhood

April 14, 1938: Adoption of Ordinance No. 177 which included the creation of four zoning categories including Residence and Apartment House Districts. Property within the Maple-Ash neighborhood including 907 and 959 South Ash was classified as Residence District. The Residence District had a single family nature but allowed properties therein to have a second dwelling unit as an ancillary use to the main residence.

August 12, 1948: Adoption of Ordinance No. 193 introduced Multi-Family zoning on the northern edge of the Maple-Ash neighborhood along 8th Street (University Dr.) to 9th Street and introduced a Business (commercial) District on the eastern edge of the neighborhood along Mill Avenue between 8th and 10th Streets. 907 and 959 South Ash remained in the Residence District as before.

October 03, 1951: Adoption of Ordinance 209 maintained the commercial eastern zoning classification and slightly expanded the multi-family northern zoning classification at the edges of the neighborhood. 907 and 959 South Ash remained in the Residence District as before.

February 6, 1957: Adoption of Ordinance 268 included the rezoning of the entire Maple-Ash residential area to Multi-Family designation, including the 907 and 959 South Ash properties. The impetus for this reclassification was to increase market-value in the neighborhood and forestall land acquisition west of Mill Avenue by the Teacher's College / Arizona State University. The subsequent 1960 Durham master-plan for the University signaled no acquisition west of Mill Avenue.

- January 24, 1964: Adoption of Ordinance 405 included the down-zone of multi-family classification from R-3 to R-3-A for properties at the western edge of the neighborhood between Ash and the railroad (including across the street from the subject property). 907 and 959 South Ash remained in the multi-family district (R-3) as before
- October 4, 1974: Adoption of Ordinance 808. At the subject property the zoning classification of R-3 remained unchanged. The allowable maximum density for R-3 is twenty (20) dwelling units per acre under Ordinance 808. The maximum building lot coverage for R-3 is forty (40) percent per site under Ordinance 808.
- December 18, 1997: Adoption of General Plan 2020. In the land use element of this plan, the projected residential density for the Maple-Ash neighborhood, excluding the mixed-use portion facing Mill Avenue north of 10th Street and along University Drive, was assigned a projected residential density of 11–15 dwelling units per acre. This projected residential density is lower than the allowed maximum densities of the R-3R and R-3 portions of the neighborhood, including the subject site in the R-3 District with an allowable maximum density of twenty (20) dwelling units per acre.
- December 4, 2003: Adoption of General Plan 2030. In the land use element of this plan, a Cultural Resource Area was established over the residential portions of the Maple Ash neighborhood. The Cultural Resource Area fixed the residential density of the underlying zoning district at the rate in place at the time of enactment of this General Plan. For the subject site, the residential density is fixed at twenty (20) dwelling units per acre.
- January 20, 2005: Adoption of the Zoning and Development Code. At the subject property the zoning classification of R-3 remained unchanged. The allowable maximum density for R-3 is twenty (20) dwelling units per acre under the Zoning and Development Code. The maximum building lot coverage for R-3 is increased to from forty (40) to fifty (50) percent per site under the Zoning and Development Code.

Ash Property Resurrection

- February 8, 2012: Neighborhood Meeting including a presentation of the project was conducted by the Development Team in fulfillment of the neighborhood meeting provision of the Maple-Ash Neighborhood Checklist.
- March 27, 2012: Development Review Commission, by vote of six to one (6-1), continued the requests for Ash Property Resurrection located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District for a Use Permit to allow tandem parking, a Use Permit Standard to increase by ten (10) percent the maximum allowable building height from thirty (30) feet to thirty-three (33) feet, and a Development Plan Review for site plan, building elevations and landscape plan. The requests were continued until the April 24, 2012 Development Review Commission hearing.
- April 24, 2012: Development Review Commission without comment continued until May 22, 2012 the proposal for Ash Property Resurrection at the request of the applicant. Proposal and staff report were not present at this hearing.
- May 22, 2012: Development Review Commission, by vote of five to two (5-2), approved the requests for Ash Property Resurrection. The requests include a Use Permit to allow tandem parking and a Development Plan Review for site plan, building elevations and landscape plan. The Commission added condition of approval #42 to the conditions of approval presented at the hearing.
- June 28, 2012: Scheduled City Council hearing for an appeal of the approvals of Use Permit and Development Plan Review for Ash Property Resurrection located at 959 South Ash Avenue in the R-3, Multi-Family Residential Limited District. The Ash Estates subdivision plat is a separately agenized item for review on the same evening.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review

Section 6-308, Use Permit

Section 6-801 through 6-803, Appeals